

FEB 16 2010

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>MARIO WEICKS,</p> <p>Defendant - Appellant.</p>
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No. 07-10446

D.C. No. CR-05-00040-RJJ

ORDER

Before: HAWKINS and THOMAS, Circuit Judges, and KORMAN,* District Judge.

Appellee’s Unopposed Petition for Rehearing is GRANTED in part for the purpose of amending the Memorandum disposition.

The Memorandum Disposition, filed on January 22, 2010, is amended as follows:

- (1) The sentence on page 2 reading “He was sentenced to 420 months imprisonment plus ten years of supervised release.” is amended to read “He was sentenced to 360 months imprisonment plus ten years of supervised release.”

* The Honorable Edward R. Korman, Senior United States District Judge for the Eastern District of New York, sitting by designation.

- (2) The sentence on page 2 reading “Absent application of the career offender provision, Weicks’ Guidelines offense level would be 30, which would result in a Guidelines sentencing range of 168 to 210 months.” is amended to read “Absent application of the career offender provision, Weicks’ Guidelines offense level would be 33, which would result in a Guidelines sentencing range of 235 to 293 months.”